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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/611,157	07/06/2000	Steven D. Ims	RSW9-2000-0034-US1	5464

7590 03/16/2004

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Research Triangle Park, NC 27709

EXAMINER
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CALDWELL, ANDREW T

ART UNIT	PAPER NUMBER
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2151

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DATE MAILED: 03/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/611,157

Applicant(s)

IMS ET AL.

Examiner

Andrew Caldwell

Art Unit

2151

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 July 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-48 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**II. DETAILED ACTION**

***Remarks***

The Applicants are requested to amend the specification at pages 1 and 7 to identify the cited patent applications by serial number.

***Election/Restrictions***

Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-6, 17-22, and 33-38, drawn to an application independent technique for caching quasi-static data for reads, classified in class 709, subclass 213.

II. Claims 7-16, 23-32, and 39-48, drawn to an application-independent technique for creating and processing update queues for writes which are to occur in a delayed mode, classified in class 709, subclass 213.

Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility because the system for caching quasi-static data for reads can be used in a system where a client system has read-only access to data. See MPEP § 806.05(d).

Because these inventions are distinct for the reasons given above and the search required for Group II is not required for Group I, restriction for examination purposes as indicated is proper. The search for the invention of Group II would require

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1 considering class 711, subclass 143 (Caching/Coherency/Write Back), while the search  
2 for the invention of Group I would not.

3 Applicant is advised that the reply to this requirement to be complete **must**  
4 **include an election** of the invention to be examined even though the requirement be  
5 traversed (37 CFR 1.143).

7 **Conclusion**

8 A shortened statutory period for response to this action is set to expire **one**  
9 **month (not less than 30 days)** from the mail date of this letter. Failure to respond  
10 within the period for response will result in **ABANDONMENT** of the application (see 35  
11 U.S.C. 133, M.P.E.P. 710.02, 710.02(b)).

12  
13 Any inquiry concerning this communication or earlier communications from the  
14 examiner should be directed to Andrew Caldwell, whose telephone number is (703)  
15 306-3036. The examiner can normally be reached on M-F from 9:00 a.m. to 5:30 p.m.  
16 EST.

17  
18 If attempts to reach the examiner by phone fail, the examiner's supervisor,  
19 Glenton Burgess, can be reached at (703) 305-4792. Additionally, the fax numbers for  
20 Group 2100 are as follows:

21  
22 Fax Responses: (703) 872-9306  
23

24 Any inquiry of a general nature or relating to the status of this application should  
25 be directed to the Group receptionist at (703) 305-9600.  
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32 Andrew Caldwell  
33 703-306-3036  
34 March 11, 2004  
35